

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Oziel Islas

YOB: 1997

Principal

United States

United States District Court
Southern District of Texas
FILED

Case Number:
M-16-1703-M

SEP 11 2016

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 9, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Joel Antonio Marintez-Aristondo, citizen and national of Guatemala, and Rigoberto Cruz-Funez, citizen and national of Honduras, along with seven (7) other undocumented aliens, for a total of nine (9) who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport, by foot, said aliens in furtherance of such violation of law within the United States, that is, from a location near Abram, Texas to the point of arrest near Abram, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 9, 2016, at approximately 6:45 pm., while conducting linewatch operations in Abram, Texas, Border Patrol Agent V. Castro, encountered foot sign of approximately ten individuals traveling away from the Rio Grande River. Agent Castro advised surrounding agents of the group's direction of travel and proceeded to follow the sign northeast for approximately 200 yards. Shortly later, Agent Castro observed one subject attempting to conceal himself in dense brush. Responding agents and Castro proceeded into the dense brush and encountered ten individuals laying down attempting to conceal themselves in the brush. Agents identified themselves as Border Patrol agents and conducted immigration inspections on all the subjects. Nine of the ten subjects readily admitted to being illegally present in the United States and did not have any immigration documents that would allow them to be in or remain in the United States legally. One individual, identified as Oziel ISLAS, claimed to be a United States Citizen. All subjects were placed under arrest and transported to the McAllen Border Patrol Station for processing.

SEE ATTACHED:

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No

Signature of Complainant

Jon M. Chan

Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

September 11, 2016

Date

at McAllen, Texas

City and State

Dorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer

Dorina Ramos
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1703 -M

RE: Oziel Islas

CONTINUATION:

PRINCIPAL STATEMENT:

Oziel ISLAS was read his Miranda Rights, stated that he understood his rights and was willing to provide a sworn statement without the presence of an attorney.

Oziel ISLAS, a United States Citizen, stated he traveled into Mexico to visit his uncle. Once crossing the bridge into Mexico, two unidentified male subjects in a vehicle approached him and told him to get into their vehicle. ISLAS stated that the two men told him that his brother, Gilberto ISLAS-Lopez, owed the two unidentified male subjects money and that they were going to force ISLAS to cross and guide undocumented aliens into the United States or they were going to kill his wife and kids. ISLAS stated that he did not know where he was going to take the undocumented aliens after making it into the United States. ISLAS told agent he had first seen the two men in his aunt's neighborhood and was told he was going to pay back the money his brother owed them.

MATERIAL WITNESS STATEMENTS

Joel Antonio MARTINEZ-Aristondo and Rigoberto CRUZ-Funes were read their Miranda Rights, understood their rights and were willing to provide a sworn statement without the presence of an attorney.

MATERIAL WITNESS #1:

Joel Antonio MARTINEZ-Aristondo, a citizen and national of Guatemala, told agent he paid \$5,000 to be smuggled into the United States to Houston, Texas. MARTINEZ told agents while in Mexico the smugglers introduced Oziel ISLAS, without using his name, and said that he would be guiding their group into the United States. MARTINEZ stated that ISLAS would give the group verbal commands and physical gestures showing them where to go and where to sit down. Once in the United States, ISLAS guided the group for 20 to 30 minutes for being arrested by Border Patrol. MARTINEZ was also able to describe the clothing that ISLAS was wearing. Joel Antonio MARTINEZ-Aristondo was able to identify Oziel ISLAS in a photo lineup as the person who guided the group through the brush.

MATERIAL WITNESS #2:

Rigoberto CRUZ-Funes, a citizen and national of Honduras, stated he has paid \$1,000 of the \$3,000 to be smuggled into the United States to the State of Tennessee. CRUZ told agents he was told in Mexico to follow ISLAS and that ISLAS would tell the group where to go. After crossing into the United States, ISLAS guided the group the brush for around 30 minutes before being arrested by Border Patrol Agents. CRUZ stated that ISLAS was telling them where to go and when to be quiet. Rigoberto CRUZ-Funes was able to identify Oziel ISLAS in a photo lineup as the person who guided the group through the brush.